



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,415	04/19/2000	Adam Petrovich	856	3397

23704 7590 07/17/2002  
SYMBOL TECHNOLOGIES INC  
LEGAL DEPARTMENT  
ONE SYMBOL PLAZA  
HOLTSVILLE, NY 11742

EXAMINER

LEE, SEUNG H

ART UNIT PAPER NUMBER

2876

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/552,415

Applicant(s)

PETROVICH ET AL.

Examiner

Seung H Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34,36-49,57 and 63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34,36-49,57 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2876

### DETAILED ACTION

1. Receipt is acknowledged of the amended appeal brief filed on 15 April 2002, which has been entered in the file.
2. In view of the request for reconsideration filed on 25 June 2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 8, 10 - 14, 16, 18, 20, 21, 23, 28, 29, 57, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 5,202,825, on the

record)(hereinafter referred to as 'Miller') in view of VanHorn et al (US 5,736,726)(hereinafter referred to as 'VanHorn').

Miller teaches a tendering station (40) comprises a movable housing, a removable terminal (49) attached to the housing for acquiring transaction information (see Fig. 4; col. 7, lines 34-68), the terminal having a display (50), and at least one activation key (employee number) for activating one or more user functions (see col. 11, line 4 - 17), and a scanner (51) for reading bar code information, at least one peripheral device (printer device 46) attached to the housing and coupled to the terminal for conveying the transaction information and related information to or from a user, a host computer (11) for processing transaction data, a controller (11) coupled to the host computer for communicating the transaction information to and from the host computer, one or more members are attached to the bottom thereof facilitating the movement and positioning of the station (see Fig. 2), the top surface includes an item handling area (top surface of the 40), least one storage area (43) for storing supplies, cash, coupons, receipts and the like, and wheels (58) attached to the bottom thereof for facilitating the movement and positioning of the customer service station within the shopping facility,

the at least one peripheral device include a display (50) for displaying transaction and related information, a printer (46) for printing a receipt or transaction report, a magnetic strip reader (44) for reading customer cards and transmitting card information to the terminal, a keyboard (25) coupled to the terminal for entering data into the terminal, a scanner (51) for reading the bar codes and transmitting bar code information to the terminal wherein the scanner is constructed and arranged with the terminal (see

Fig. 4), a power source (45) for powering the at least one peripheral device, the terminal computer memory is programmed for sending and receiving message to and from a host computer via the wireless network (see col. 4, 29 - 66), issuing a terminal to a user, receiving identification data specific to the user on the terminal and communicating the identification data to the host computer, communicating a message to the terminal identifying available functions, and operating the host processor to provide user selected ones of the available functions to the user (see col. 10, line 64 - col. 11, line 47).

However, Miller fails to teach or fairly suggest that the terminal has a device for wireless communication means.

VanHorn et al (US 5,736,726) teaches a portable data collection device equipped with antenna (140) for wireless communication for send/receive information (see Fig. 1; col. 4, lines 30-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of VanHorn to the teachings of Miller in order to transmit the data between the remote terminal and host system using a local area network (LAN) or wireless means. Also such employment of the wireless communication means would have provided an alternative means for the operator(s) to receive and to transmit the information/data with respect to the product/service without the operator being present at the terminal physically, and therefore an obvious expedient.

Art Unit: 2876

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn as applied to claim 1 above, and further in view of Swartz et al. (US 5,594,228, on the record)(hereinafter referred to as 'Swartz').

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station, they fail to teach or fairly suggest that the tendering station include a tag remover for removing tags or labels from an item.

However, Swartz teaches the magnetic decoupler (166) for removing the tags from an item (see col. 17, line 15 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the magnetic decoupler or tags removers as taught by Swartz to the teachings of Miller/VanHorn in order to provide the secure removals of the alarm tags on the item (i.e., clothes) without damaging the goods. Also, such modification (i.e., attached a surveillance tag on the item) would reduce the pilfering at the retail shops, and therefore an obvious expedient.

6. Claims 7, 9, 17, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn as applied to claim 1 above, and further in view of Postrel et al. (US 6,003,008, on the record)(hereinafter referred to as 'Postrel').

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station having a display and a communication links, however, Miller/VanHorn fails to teach or fairly suggest that the display device include an adjustable support attached to the housing, the infrared communication links between the terminal, the at least one peripheral device, a handle, and a computer program providing power management of the customer service station.

Postrel teaches that the display (36) includes an adjustable support (39) attached to the housing (25), the infrared communication links (see col. 10, line 4 - 30), the handle (262) for maneuvering the tendering station, and the computer program to manage the power supply (see col. 10, line 31 - 51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the Postrel to the teachings of Miller/VanHorn in order to provide better viewing means adjusting angle of the display the display device. Also, such modification (i.e., infrared communication) would provide alternative way of communication to download the transaction and merchandise inventories information from the central computer/system. Moreover, such modification (i.e., handle attached to the housing) would provide the easier and safer movement of the tendering station. Furthermore, such modification (i.e., the tendering station programmed to manage the power supply) would provide better means efficient managing of the power source (i.e., notification of the power drain), and therefore an obvious expedient.

Art Unit: 2876

7. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn as applied to claims 1 and 20 above, and further in view of Ju et al. (US 5,811,774, on the record)(hereinafter referred to as 'Ju').

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station having a transceiver for a wireless communication, Miller fails to teach or fairly suggest that the wireless communication system include a telephone headset.

However, Ju teaches the telephone headset (115) for the wireless communication system (see col. 12, line 58 - 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the telephone headset as taught by Ju to the teachings of Miller/VanHorn in order to provide an oral communication between personnel at the central terminal and personnel at the portable station. Moreover, such modification would provide the better customer service by eliminating the necessary time to visit the central terminal to verify the information that the customer requested, and therefore an obvious expedient.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn and Swartz, and further in view Postrel et al. (US 5,811,774, on the record).

The teachings of the Miller/VanHorn have been discussed above.



Although, Miller/VanHorn teaches the tendering, Miller/VanHorn fails to teach or fairly suggest that tendering system include a tag remover and handle.

The teachings of the Swartz have been discussed above.

The teachings of the Postrel have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the tags remover as taught by Swartz and the handle as taught by Postrel to the teachings of the Miller/VanHorn in order to provide the secure movement of the tendering station. Also such modification would provide the secure removals of the alarm tags on the item (i.e., clothes) without damaging the goods. Furthermore, such modification (i.e., attached a surveillance tag on the item) would increase the sales by reducing the pilfering at the retail shops, and therefore an obvious expedient.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn, and further in view of Walker et al. (US 5,945,653, on the record)(hereinafter referred to as 'Walker').

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station, Miller/VanHorn fails to teach or fairly suggest that the station include a computer program for assisting to a customer by identifying customer preferences and inventory availability.

However, Walker teaches the computer program for identifying customers preferences and inventory availability (see col. 1, line 55 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the computer program as taught by Walker to the teachings of the Miller/VanHorn in order to provide better customer service by supplying the special option/discount to the specific customers who are eligible for certain benefits (i.e., goods discounts, promotions). Also, such modification would increase the sales amount by sales person informing customers for special goods on sale or promotion based on customer previous purchasing pattern by retrieving the customer purchasing history from the central database system, and therefore an obvious expedient.

10. Claims 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn as applied to claims 1 and 20 above, and further in view Talati et al. (US 5,903,878, on the record)(hereinafter referred to as 'Talati').

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station having a display, Miller/VanHorn fails to teach or fairly suggest that the station include an Internet browser.

However, Talati teaches the transaction system capable of displaying the Internet browser (see col. 12, 20 - 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet browser as taught by Talati to the teachings of the Miller/VanHorn in order to provide easier retrieving of the pricing and/or inventory information from the central database. Also, such modification would provide

Art Unit: 2876

the easy access of the inventory information of the remote located retail shops for checking sold-out items or special order, and therefore an obvious expedient.

11. Claims 3, 31 - 36, 38, 39, 41, 43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn, and further in view of Swartz (US 5,883,373, on the record).

The teachings of the Miller/VanHorn have been discussed above.

Although, Miller/VanHorn teaches the tendering station, Miller/VanHorn fails to teach or fairly suggest that the tendering station include a cradle interface.

However, Swartz teaches the cradle interface (156) attached to the terminal (112).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the cradle interface as taught by Swartz to the teachings of Miller/VanHorn in order to provide the place to rest the one or more devices attached to the housing when it is not in using. Also, such modification would provide better means organizing devices for saving space and easy access when it is needed, and therefore an obvious expedient.

12. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/VanHorn /Swartz as discussed in claim 31 above, and further in view of Ju.

The teachings of the Miller/VanHorn /Swartz have been discussed above.

Although, Miller/VanHorn /Swartz teaches the tendering station, Miller/VanHorn/Swartz fails to teach or fairly suggest that the tendering station include a telephone headset.

The teachings of the Ju have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the telephone headset as taught by Ju to the teachings of Miller/VanHorn/Swartz in order to provide an oral communication between personnel at the central terminal and personnel at the portable station. Moreover, such modification would provide the better customer service by eliminating the necessary time to visit the central terminal to verify the information that the customer requested, and therefore an obvious expedient.

13. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn and Swartz as discussed in claim 31 above, and further in view of Swartz.

The teachings of the Miller/VanHorn/Swartz have been discussed above.

Although, Miller/VanHorn/Swartz teaches the tendering station, Miller/VanHorn/Swartz fails to teach or fairly suggest that the tendering station include a tags remover.

The teachings of the Swartz have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the magnetic decoupler or tags removers as taught

Art Unit: 2876

by Swartz to the teachings of Miller/VanHorn/Swartz in order to provide the secure removals of the alarm tags on the item (i.e., clothes) without damaging the goods. Also, such modification (i.e., attached a surveillance tag on the item) would increase the sales by reducing the pilfering at the retail shops, and therefore an obvious expedient.

14. Claims 42, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn and Swartz as discussed in claim 31 above, and further in view of Postrel.

The teachings of the Miller/VanHorn/Swartz have been discussed above.

Although, Miller/VanHorn/Swartz teaches the tendering station, Miller/VanHorn/Swartz fails to teach or fairly suggest that the tendering station include a infrared communication, a handle, and power management program.

The teachings of the Postrel have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the Postrel to the teachings of Miller/VanHorn/Swartz in order to provide better means viewing angle of the display by adjusting the display device. Also, such modification (i.e., infrared communication) would provide alternative way of communication to down load the transaction and merchandise inventories. Moreover, such modification (i.e., handle attached to the housing) would provide the easier and safer movement of the tendering station. Furthermore, such modification (i.e., the tendering station programmed to manage the

power supply) would provide better means efficient managing of the power source (i.e., notification of the power drain), and therefore an obvious expedient.

15. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn and Swartz as discussed in claim 31 above, and further in view of Walker.

The teachings of the Miller/VanHorn/Swartz have been discussed above.

Although, Miller/VanHorn/Swartz teaches the tendering station, Miller/VanHorn/Swartz fails to teach or fairly suggest that the tendering station include a computer program for assisting to a customer by identifying customer preferences and inventory availability.

The teachings of the Walker have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the computer program as taught by Walker to the teachings of the Miller/VanHorn/Swartz in order to provide better customer service by supplying the special option/discount to the specific customers who are eligible for certain benefits (i.e., goods discounts, promotions). Also, such modification would increase the sales amount by sales person informing customers for special goods on sale or promotion based on customer previous purchasing pattern by retrieving the customer purchasing history from the central database system, and therefore an obvious expedient.

16. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by VanHorn and Swartz as discussed in claim 31 above, and further in view of Talati.

The teachings of the Miller/VanHorn/Swartz have been discussed above.

Although, Miller/VanHorn/Swartz teaches the tendering station, Miller/VanHorn/Swartz fails to teach or fairly suggest that the tendering station include an Internet browser.

The teachings of the Talati have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet browser as taught by Talati to the teachings of the Miller/VanHorn/Swartz in order to provide easier retrieving of the pricing and/or inventory information from the central database. Also, such modification would provide the easy access of the inventory information of the remote located retail shops for checking sold-out items or special order, and therefore an obvious expedient.

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-34, 36-49, 57, and 63 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Schlieffers et al [US 6,394,355], Swift et al [US 5,763,865], Hanson [US 5,521,370], Johnsen [US 5,250,789], Hanson et al [US 5,349,497], and Friend et al [US 5,805,416] disclose a hand-held data capture device,

Modiano et al [US 5,670,768] disclose a movable terminal.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].


*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published*



Art Unit: 2876

*in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG*  
89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Seung H. Lee  
Art Unit 2876  
July 9, 2002



KARL D. FRECH  
PRIMARY EXAMINER